

## PUBLIC UTILITIES COMMISSION

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SAN FRANCISCO, CA 94102-3298



September 30, 2002

Commission Secretary  
Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, D.C. 20554

Dear Ms. Dortch:

Pursuant to 47 C.F.R. section 64.605, the California Public Utilities Commission (CPUC) submits its TRS State Recertification Application. As required by 47 C.F.R. section 64.605(a), the enclosed documentation in support of the application is in narrative form and clearly describes California's telecommunications relay service, namely, the "California Relay Service (CRS)", and the procedures and remedies for enforcing any requirements imposed by the state program.

Previously, the CPUC's application for recertification by the FCC was granted in October 1997. In that application, the CPUC explained that California Senate Bill 244 (Chapter 741, 1983) mandated the CPUC to establish the telecommunications relay service in California. California's relay service operations began on January 1, 1987, providing direct access to California's public switched telephone network by individuals who use text telephones. Users have 24-hour-a-day contact with individuals who use speech or text telephone equipment. More information about California Relay Service and the Deaf and Disabled Telecommunications Program is contained in the application.

In compliance with the Americans with Disabilities Act of 1990 (ADA), S.393 Pub.L. 101-336-69 (July 26, 1990), and 47 C.F.R. section 64.605(b), the CPUC's TRS recertification application establishes that its telecommunications relay service program continues to meet or exceed all operational, technical, and functional minimum standards contained in 47 C.F.R. section 64.604; makes available adequate procedures and remedies for enforcing the state program; and establishes that its program in no way conflicts with federal law. The CPUC requests TRS recertification to be issued under the name California Relay Service.

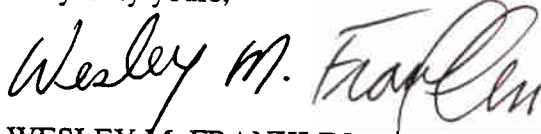
Both of California's carriers continue to meet or exceed federal minimum standards contained in 47 C.F.R. section 64.604. At least one of California's carriers exceeds the federal minimum standards in certain areas. First, with regard to training, MCI provides training, among other things, in deaf culture to its communications assistants (CAs), for STS CAs this training includes aspects of speech disability. MCI provides training in deaf culture and aspects of speech disability to supervisory and customer service personnel as well. MCI also does not incorporate

technological aids in its oral-to-type testing of CA typing speed. In handling emergency calls, MCI uses an enhanced system, and MCI provides additional information to callers using STS. These enhancements do not impair the carrier from meeting federal minimum standards. Rather, customers benefit from these enhancements.

We believe the enclosed documentation in our recertification application supports our assertion that the CRS continues to have qualified staff, reliable service, and a system capable of adapting to improvements in communications equipment technology and expanding services in response to increasing demand.

If you have any questions regarding the enclosed documentation, please feel free to contact Robert Weissman at (415) 703-1989 or Kelly Hymes at (415) 703-1157.

Very truly yours,

A handwritten signature in dark ink, reading "Wesley M. Franklin". The signature is written in a cursive, flowing style.

WESLEY M. FRANKLIN  
Executive Director

Enclosures

## Table of Contents

Cover Letter  
Application Cover Letter  
State Program Narrative – A Brief Over-view  
    Senate Bill 597  
    Senate Bill 244  
    Senate Bill 60  
    Assembly Bill 1734

### Contract Documentation

Invitation for Bid (IFB), 1996  
MCI  
    Master Agreement for CRS Services (1996)  
    Amended Master Agreement for CRS Services (1998)  
    First Amendment to Amended Master Agreement for CRS Services (1998)  
    Second Amendment to Amended Master Agreement for CRS Services (2001)  
    Third Amendment to Amended Master Agreement for CRS Services (2002)  
    Resolution T-15971 Authority to Provide Speech to Speech Relay (1996)  
    Resolution T-16031 Addresses Liquidated Damages in Master Agreement (1997)  
  
Sprint  
    Master Agreement for CRS Services (1997)  
    Amended Master Agreement for CRS Services (1997)  
    First Amendment to Amended Master Agreement for CRS Services (1998)  
    Second Amendment to Amended Master Agreement for CRS Services (2001)  
    Resolution T-16209 Amends Amended Master Agreement (1998)

### Carrier Documentation

MCI  
    Operational Standards  
        Operator Employment, Training and Competency Standards  
        Confidentiality and Context  
        Types of Calls (Checklist)  
        Handling Emergency Calls  
        In Call Replacement of Operators  
        Operator Gender Preferences  
        STS Called Numbers  
    Technical Standards  
        Transmission Modes (ASCII, Baudot, Turbocode)  
        Speed of Answer 85% in 10 daily  
        Equal Access to interexchange carriers  
        TRS Facilities  
        Technology (Enhanced Protocols and Future Relay Technologies)  
        Voicemail and Interactive Menus  
    Functional Standards  
        Consumer Complaint Logs  
        Contact or office for filling consumer complaints.  
        Public Access to Information  
        Rates  
        Jurisdictional Separation of Costs  
    MCI's Mandatory Minimum Standards  
    MCI ASA Report for July 2002  
    MCI Blockage Report for July 2002  
    MCI Consumer Complaint Log 2001-02  
    MCI Disaster Recovery Plan

## MCI New Hire Training Outline

### **Sprint**

#### Operational Standards

- Operator Employment, Training and Competency Standards
- Confidentiality and Context
- Types of Calls (Checklist)
- Handling Emergency Calls
- In Call Replacement of Operators
- Operator Gender Preferences
- STS Called Numbers

#### Technical Standards

- Transmission Modes (ASCII, Baudot, Turbocode)
- Speed of Answer 85% in 10 daily
- Equal Access to interexchange carriers
- TRS Facilities
- Technology (Enhanced Protocols and Future Relay Technologies)
- Voicemail and Interactive Menus

#### Functional Standards

- Consumer Complaint Logs
- Contact or office for filling consumer complaints.
- Public Access to Information
- Rates
- Jurisdictional Separation of Costs

#### Sprint TRS Training Outline

- Sprint Pledge of Confidentiality
- Sprint E911 Call Procedures
- Sprint Policy on 10 and 15 Minute Rule
- Sprint Quality Assurance Program on Speed of Answer
- Sprint Carrier of Choice Letter of Invitation
- Sprint Disaster Recovery Plan
- Sprint TRS Standard Features Matrix
- Minimum Standards Matrix
- Sprint ASA Report for July 2002
- Sprint Blockage Report for July 2002
- Sprint Consumer Complaint Log 2001-02

### **Additional Items**

- Method of Funding
- Phone bill
- Pacific Bell White Pages Directory
- DDTP Web Site Information
- California Relay Service Pamphlet
- Outreach Information
- Public Utilities Code Sections 270-281 and 2881-2890.1

**TRS State Recertification Application  
Deaf and Disabled Telecommunications Program  
The California Relay Service**

**REQUEST FOR FEDERAL COMMUNICATIONS COMMISSION  
RECERTIFICATION**

In compliance with the Americans with Disabilities Act of 1990 (ADA), S. 393. Pub. L, 101-336, 104 Stat. 327, 366-69 (July 26, 1990), The Deaf and Disabled Telecommunications Program hereby submits documentation to demonstrate that it's telecommunications relay service continues to meet or exceed all operational, technical, and functional minimum standards set forth in Section 64.604, Part 64, FCC Rules and Regulations. The Deaf and Disabled Telecommunications program requests, therefore, that the FCC recertify the California Relay Service (CRS).

**INTRODUCTION**

In 1995, when the (CRS) contract with Sprint Communications Company (Sprint) was due to expire, the California Deaf and Disabled Telecommunications Program (DDTP) issued an invitation for bid (IFB) designed to allow multiple vendors to provide relay services in California. MCI Communications Inc. (MCI) was awarded the contract as the primary provider and initiated service in October of 1996. On September 3, 1997 Sprint was authorized as a secondary provider and initiated services on September 11, 1997.

All CRS providers are expected to comply with the technical standards set forth in the IFB and in the "Master Agreement" which is the contract for offering relay service. To assure compliance with these federal and state standards the providers must provide the DDTP monthly reports on service indicators such as ASA levels. Additionally, the IFB authorizes the DDTP to retain a consultant to monitor the performance of the CRS and to recommend any corrective action to the DDTP. For your information, the IFB referencing the federal and state standards is attached to this application, along with letters from both MCI and Sprint regarding their compliance to Operational Standards. A matrix including Operational, Technical and Functional Standards is also attached providing FCC requirements, DDTP Contractual Specifications and Vendor Standards. Therefore, we believe that the relay service program as structured in California complies with federal standards and deserves validation and recertification by the FCC.

## A Brief History and Update of the Deaf and Disabled Telecommunications Program

### History

The Deaf and Disabled Telecommunications Program (DDTP) was established by the California Public Utilities Commission (CPUC) to oversee and administer the provision of specialized telecommunications equipment and services to people with disabilities in the state of California. The CPUC retains overall responsibility for the quality of services delivered by these programs, for reaching Californians who need the services offered, and for ensuring prudent management of these funds.

The Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) is an administrative body that was created by the CPUC to administer and oversee funding and make policy recommendations to the CPUC regarding the operation of the program. The DDTPAC also serves as a liaison to the deaf and disabled communities. Two advisory committees were created to advise the DDTPAC on issues pertaining to the Equipment Program and the California Relay Service.

The Equipment Program Advisory Committee's (EPAC's) function is to research, test and update new telecommunications technologies. EPAC makes recommendations to DDTPAC related to selection, discontinuation and changes in specialized equipment provided to qualified disabled customers.

The California Relay Service Advisory Committee is responsible for monitoring and evaluating the performance of the relay service, discussing areas of concern and advising the DDTPAC on CRS policies, service quality, and efficiency.

The authority for the program rests with three different legislative statutes (SB 597, SB 244, and SB 60). These three bills mandate that all local telephone companies in California provide equipment and services to their customers with disabilities to enable them to use basic telephone service at no cost. These bills are attached.

**SB 597**, was passed in 1979, and as a result, telephone companies began distributing telecommunication devices for the deaf (TTY/TDD) in 1981. These devices were and continue to be distributed free of cost.

**SB 244**, which passed in 1983, mandated a 24-hour statewide telecommunication relay service (TRS) to allow persons using TTYs to communicate over the normal telephone network with persons not using TTYs. This statewide service, the California Relay Service (CRS), began operation in 1987 with AT&T as the sole vendor. In 1996, the CPUC approved a multi-vendor environment. This change resulted in a choice of the CRS vendors, with the service now being provided by both MCI and Sprint.

**SB 60**, which passed in 1985, expanded the types of equipment required to be distributed to include equipment for people who have disabilities related to hearing, vision, speech, mobility and cognitive abilities.

In addition, **Resolution T-15971** was passed by the PUC in 1996 to mandate that Speech-to-Speech services be provided through MCI CRS. This service enables a person with a speech disability to use the CRS using his or her own voice or voice synthesizer to call another person with the assistance of a trained voicer.

### **Update**

**AB 1734**, passed in 2002, requires that on July 1, 2003, any funds remaining in the Deaf Acquisition Fund (DEAF Trust, the fund which currently covers the costs of programs to provide specified telecommunications services and equipment to deaf or disabled persons in California) shall revert to the Deaf and Disabled Telecommunications Program Administrative Committee Fund in the State Treasury. This change results in the CPUC assuming direct contracting responsibility for the provision of this program, including telecommunications relay service. The Commission is in the process of formalizing the manner in which these contracts will be administered and we will inform the FCC when it is finalized. In addition, commencing on July 1, 2003, AB 1734 creates the Telecommunications Access for Deaf and Disabled Administrative Committee, formerly the Deaf and Disabled Telecommunications Program Administrative Committee, as an advisory board to advise the Commission regarding the development, implementation, and administration of programs to provide specified telecommunications services and equipment to persons in California who are deaf or disabled.

We expect that any changes made to California's deaf and disabled telecommunications program will not affect California's provision of high quality telecommunications relay service. We anticipate California's telecommunications relay service will continue to meet or exceed the FCC's mandatory minimum standards set forth in 47 C.F.R. section 64.604.

## **Chapter 1142 - SB 597 (see article 2)**

An act to amend section 13131.3 of the health and safety code, to amend section 1440 of the probate code, and to amend sections 4418.5, 4648, 4825, 7284, 7325, and 7513 of, and to add sections 4780.5, 7513.1, and 7513.2 to the Welfare and institutions Code, and to add Article 2 (commencing with Section 2831) to Chapter 9 of Part 2 Division 1 of the Public Utilities Code, relating to developmental services.

[approved by Governor September 28, 1979. Filed with Secretary of State September 29, 1979]

*The people of the State of California do enact as follows:*

(We have left out Sections 1 and 2, as they do not pertain to the DDTP.)

SEC 2.5 Article (commencing with Section 2831) is added to Chapter 9 of Part 2 of Division 1 of the Public Utilities Code, to read:

### **Article 2. Customer and Subscriber Services**

2831. The commission Shall design and implement a program whereby each telephone corporation shall provide a telecommunications device capable of servicing the needs of the deaf or severely hearing impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as deaf or severely hearing impaired by a licensed physician, audiologist, or a qualified state agency. The commission shall phase-in this program, on a geographical basis, over a four-year period ending on January 1, 1984. The commission shall establish a rate recovery mechanism to allow telephone corporations to recover costs as they are incurred under this section.

## CHAPTER 741 (1983)

Senate Bill no. 244

Section 1. Section 2881 of the public utilities code is amended to read:

2881. a. The commission shall design and implement a program whereby each telephone corporation shall provide a telecommunications device capable of servicing the needs of the deaf or severely hearing-impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as deaf or severely hearing-impaired by a licensed physician, audiologist, or a qualified state agency. The commission shall phase in this program, on a geographical basis, over a four-year period ending on January 1, 1984.

b. the commission shall also design and implement a program whereas each telephone corporation shall provide a dual party relay system, using third party intervention to connect deaf or severely hearing-impaired persons with persons of normal hearing by way of intercommunications devices for the deaf or severely hearing-impaired and the telephone system, making available reasonable access of all phases of public telephone service to deaf or severely hearing-impaired telephone subscribers. In order to make a dual party relay system which will meet the requirements of deaf and severely hearing-impaired persons available at a reasonable cost, the commission shall initiate an investigation, conduct public hearings to determine the most cost-effective method of providing dual party relay service to the deaf or severely hearing-impaired when using a telecommunications device, and solicit the advice, counsel, and physical assistance of statewide nonprofit consumer organizations of the deaf, during the development and implementation of the system. The commission shall phase in this program, on program, an a geographical bases, over a three-year period ending on January 1, 1987.

c. the commission shall establish a rate recovery mechanism, which shall not exceed three cents (\$0.03) per month for each telephone line, to allow telephone corporations to recover costs as they are incurred under this section.

Senate bill No. 60  
Chapter 585 1985

An act to amend section 2881 of the public utilities code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by governor September 16, 1985. Filed with  
Secretary of State September 17, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 60, Rosenthal. Telecommunications devices for the disabled.

Under existing law, the public utilities commission implements programs whereby telecommunications devices are furnished to telephone subscribers who are deaf or severely hearing-impaired and to statewide organizations representing the deaf or severely hearing-impaired and is required to adjust overall telephone rates not to exceed 3 cents per telephone line of each subscriber per month to pay for these programs and devices.

This bill would direct the commission, in addition, to design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to overall rates not to exceed a total of 10 cents per telephone line of each subscriber per month to pay for all of these programs. The bill would direct the commission to study the feasibility of, and implement if determined to be feasible, personal income criteria, in addition to the medical certification of disability, for determining a subscriber's eligibility under these provisions.

This bill would take effect immediately as an urgent statute.

*The people of the state of California do enact as follows:*

Section 1. Section 2881 of the public utilities code is amended to read:

2881. (a) The commission shall design and implement a program whereby each telephone corporation shall provide a telecommunications device capable of servicing the needs of the deaf or severely hearing-impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as deaf or severely hearing-impaired by a licensed physician, audiologist, or a qualified state agency and to any subscriber which as an organization representing the deaf or severely hearing-impaired, as determined and specified by the commission pursuant to subdivision (d).

(b) The commission shall also design and implement a program whereby each telephone corporation shall provide a dual party relay

system, using third party intervention to connect deaf or severely hearing-impaired, as determined and specified by the commission pursuant to subdivision (d), with persons of normal hearing by way of intercommunications devices for the deaf or severely hearing-impaired and the telephone subscribers. In order to make a dual party relay system, which will meet the requirements of deaf and severely hearing-impaired persons available at a reasonable cost, the commission shall initiate and investigation, conduct public hearings to determine the most cost-effective method of providing dual party relay service to the deaf or severely hearing-impaired when using a telecommunications device, and solicit the advice, counsel organizations of the deaf, during the development and implementation of the system. The commission shall phase in this program, on a geographical basis, over a three-year period ending January 1, 1987.

(c) The commission shall also design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled at no charge additional to the basic exchange rate. The certification, including a statement of medical need for specialized telephone communications equipment, shall be provided by a license or by a qualified state agency, as determined by the commission. The commission shall, in this connection, study the feasibility or, and implement if determined to be feasible, personal income criteria, in addition to the medical certification of disability, for determining a subscriber's eligibility under this subdivision.

(d) The commission shall establish a rate recovery mechanism, which shall not exceed ten cents (\$0.10) per month for each line of a subscriber, to allow telephone corporations to recover costs as they are incurred under this section be identified on subscribers' bills as "communications devices funds for deaf and disabled" and shall establish a separate fund and require separate accounting for each of the programs implemented under this section.

(e) The commission shall determine and specify those statewide organizations representing the deaf or severely hearing-impaired which shall receive a telecommunications device pursuant to subdivision (a) or dual party relay system pursuant to subdivision (b), or both, and in which offices the equipment shall be installed in the case of an organization having more than one office. The commission shall direct the telephone corporations subject to its jurisdiction to comply with its determinations and specifications in this regard.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the design and implementation of a program to make special telephone communications equipment available to disabled persons as quickly as possible, it is necessary that this act become effective immediately.

**Assembly Bill No. 1734**

**CHAPTER 61**

An act to amend Sections 270.1 and 278 of, and to add Sections 278.5 and 2881.4 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 2002. Filed with  
Secretary of State June 21, 2002.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1734, Committee on Utilities and Commerce. Telecommunications services.

(1) Existing law establishes the California High-Cost Fund-B Trust and the Deaf Equipment Acquisition Fund (DEAF Trust). Existing law authorizes the trustee of the California High-Cost Fund-B Trust to transfer money, on or before September 30, 2001, to the DEAF Trust to cover the costs of programs to provide specified telecommunications services and equipment to deaf or disabled persons in this state. Existing law requires the commission to reimburse the California High-Cost Fund-B Trust for any transfer of money to the DEAF Trust. Existing law requires that reimbursement during specified dates to the California High-Cost Fund-B Trust be deposited in a separate memorandum account within the DEAF Trust. Existing law requires that on July 1, 2002, any funds remaining in the DEAF Trust, including amounts deposited in the memorandum account for purposes of reimbursing the California High-Cost Fund-B Trust, revert to the General Fund in the State Treasury, with all amounts in the memorandum account reverting for the purpose of funding the California High-Cost Fund-B Trust account in the State Treasury.

This bill would instead require that on July 1, 2002, any funds in the DEAF Trust that were deposited in the memorandum account for purposes of reimbursing the California High-Cost Fund-B Trust revert to the Controller for deposit in the California High-Cost Fund-B Trust Committee Fund in the State Treasury. The bill would also require that on July 1, 2003, any funds remaining in the DEAF Trust, exclusive of those funds in the memorandum account, revert to the Deaf and Disabled Telecommunications Program Administrative Committee Fund in the State Treasury.

(2) Existing law establishes the Deaf and Disabled Telecommunications Program Administrative Committee (committee) to advise the Public Utilities Commission regarding the

implementation, development, and administration of programs to provide specified telecommunications services and equipment to persons who are deaf or disabled, and to carry out the programs pursuant to the commission's direction, control, and approval. Existing law establishes the Deaf and Disabled Telecommunications Program Administrative Committee Fund in the State Treasury to carry out the programs pursuant to the commission's direction, control, and approval, and requires the commission to report to the Governor and the Legislature regarding a transition plan for programs associated with the fund.

This bill would, commencing July 1, 2003, rename the committee the Telecommunications Access for Deaf and Disabled Administrative Committee, and delete the authority of the committee to carry out programs pursuant to the commission's direction, control, and approval. The bill would require the committee to advise the commission on certain contracts and agreements related to deaf and disabled telecommunications programs and to submit recommendations to the commission for the administration and governance of certain deaf and disabled telecommunications programs. The bill would require the commission to establish qualifications for persons to serve as members of the committee so that consumers of telecommunications services for the deaf and disabled represent not less than  $\frac{2}{3}$  of the membership of the committee and, to the extent feasible, that one of those members have experience in the administration of similar deaf and disabled telecommunications programs. The bill would require, commencing July 1, 2003, that any staffing costs incurred by the commission for the oversight and administration of the deaf and disabled telecommunications programs be funded by moneys appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund.

(3) Existing law requires that all revenues collected by telephone corporations in rates to fund the deaf and disabled telecommunications programs be submitted to the commission. Existing law requires that commencing July 1, 2002, the commission transfer the moneys received, and all unexpended revenue collected prior to July 1, 2002, to the Controller for deposit in the Deaf and Disabled Telecommunications Program Administrative Committee Fund.

This bill would instead require the commission to transfer the moneys received, including unexpended revenue collected prior to July 1, 2003, commencing July 1, 2003.

(4) Existing law requires the commission to design and implement various programs to provide telecommunications services to deaf, disabled, and hearing-impaired individuals.



This bill would authorize the commission to contract with entities, including nonprofit entities, or persons with necessary expert knowledge, ability, and experience to provide, manage, or operate specified telecommunications services and equipment for the deaf and disabled telecommunications programs. The bill would require any contractor the commission selects to deliver these services to consult with the Telecommunications Access for Deaf and Disabled Administrative Committee regarding the specialized needs of individuals using the deaf and disabled telecommunications services and equipment.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 270.1 of the Public Utilities Code is amended to read:

270.1. (a) Notwithstanding any other provision of law, the commission may authorize the trustee of the California High-Cost Fund-B Trust to transfer to the Deaf Equipment Acquisition Fund Trust (DEAF Trust) money sufficient to cover the costs of the programs as specified in subdivision (a) of Section 278, including, but not limited to, all costs specified in subdivision (c) of Section 278. The amount of any transfer of money authorized may not exceed the cost of operating the programs for six months. The commission shall also establish other terms of the transfer, as it determines to be appropriate.

(b) The commission shall reimburse the California High-Cost Fund-B Trust for any transfer of money to the DEAF Trust authorized pursuant to subdivision (a), with interest as determined by the commission.

(c) A sum equivalent to the amount of money transferred to the Deaf Equipment Acquisition Fund Trust (DEAF Trust) pursuant to subdivision (a) is hereby appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund to the commission, for allocation to the California High-Cost Fund-B Trust, for purposes of subdivision (b).

(d) Funds may not be transferred from the California High-Cost Fund-B Trust to the DEAF Trust pursuant to subdivision (a) after September 30, 2001.

(e) Commencing on October 1, 2001, and until a date not later than June 30, 2002, reimbursements made to the California High-Cost Fund-B Trust pursuant to subdivisions (b) and (c) shall be deposited in



a separate memorandum account within the DEAF Trust, subject to the terms specified in subdivision (b).

(f) On July 1, 2002, any funds in the DEAF Trust deposited in the memorandum account for purposes of reimbursing the California High-Cost Fund-B Trust shall revert to the Controller for deposit in the California High-Cost Fund-B Trust Committee Fund in the State Treasury rather than the Deaf and Disabled Telecommunications Program Administrative Committee Fund.

(g) Commencing on July 1, 2003, any funds remaining in the DEAF Trust, exclusive of those identified in subdivision (f), shall revert to the Deaf and Disabled Telecommunications Program Administrative Committee Fund in the State Treasury.

SEC. 2. Section 278 of the Public Utilities Code is amended to read:

278. (a) (1) Commencing on July 1, 2003, there is hereby created the Telecommunications Access for Deaf and Disabled Administrative Committee, formerly the Deaf and Disabled Telecommunications Program Administrative Committee, as an advisory board to advise the commission regarding the development, implementation, and administration of programs to provide specified telecommunications services and equipment to persons in this state who are deaf or disabled, as provided for in Sections 2881, 2881.1, and 2881.2.

(2) In addition to the membership qualifications established by the commission pursuant to subdivision (a) of Section 271, the commission shall establish qualifications for persons to serve as members of the Telecommunications Access for Deaf and Disabled Administrative Committee so that consumers of telecommunications services for the deaf and disabled comprise not less than two-thirds of the membership of the committee. To the extent feasible, one of those members shall have experience in the administration of programs similar to those provided for in Sections 2881, 2881.1, and 2881.2.

(3) As part of its advisory role, as specified in paragraph (1), the Telecommunications Access for Deaf and Disabled Administrative Committee shall advise the commission regarding contracts and agreements related to the Deaf and Disabled Telecommunications Program as specified in subdivisions (d) and (e) of Section 2881.4.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the programs specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on July 1, 2003, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenue collected prior to July 1, 2003, to the Controller for deposit in the Deaf and Disabled Telecommunications Program Administrative Committee Fund. All interest earned by



moneys in the fund shall be deposited in the fund. Those revenues that are collected pursuant to subdivision (d) of Section 2881 shall be accounted for separately, as required by subdivision (b) of Section 2881.2, and deposited in the fund created by the commission pursuant to subdivision (b) of Section 2881.2.

(c) Moneys appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the programs specified in subdivision (a), including all costs of the committee and the commission associated with the administration and oversight of the programs and the fund.

(d) Commencing on July 1, 2003, staffing costs incurred by the commission for oversight and administration of the programs described in subdivision (a) shall be funded by moneys appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund.

SEC. 3. Section 278.5 is added to the Public Utilities Code, to read:

278.5. (a) It is the intent of the Legislature that existing members of the Deaf and Disabled Telecommunications Program Administrative Committee should serve out their current terms of office as members of the committee, but not to exceed July 1, 2003.

(b) The Deaf and Disabled Telecommunications Program Administrative Committee shall develop and submit, not later than October 1, 2002, recommendations to the commission for the administration and governance of the programs described in Sections 2881, 2881.1, and 2881.2, including recommendations for the establishment of a designated office and program function, within state government, staffed in a manner designed to provide expert oversight and governance to ensure the long-term quality and integrity of programs and services offered through the Deaf and Disabled Telecommunications Program.

SEC. 4. Section 2881.4 is added to the Public Utilities Code, to read:

2881.4. (a) The Legislature finds and declares all of the following:

(1) Section 278 requires the commission to transfer to the Controller for deposit in the Deaf and Disabled Telecommunications Program Administrative Committee Fund all revenues collected by telephone corporations to fund programs to provide specified telecommunications services and equipment to deaf, disabled, and hearing-impaired persons, as specified in Sections 2881, 2881.1, and 2881.2.

(2) The commission issued a report to the Legislature in May 2001, addressing compliance issues pertaining to the programs specified in Sections 2881, 2881.1, and 2881.2, including a recommendation to secure legislative authorization for the commission to contract with



outside entities for the provision of services and equipment mandated by Sections 2881, 2881.1, and 2881.2.

(3) The telecommunications services and equipment provided to deaf, disabled, and hearing-impaired individuals and their families, as specified in Sections 2881, 2881.1, and 2881.2, are of such a highly specialized and technical nature that the necessary expert knowledge, ability, and experience are not available within the current state civil service system.

(4) It is the intent of the Legislature, in enacting this section, to do all of the following:

(A) Maintain the availability of the state's current statewide infrastructure of telecommunications services and equipment to deaf, disabled, and hearing-impaired persons, as provided for in Sections 2881, 2881.1, and 2881.2, as essential to maintaining public health and safety.

(B) Authorize the commission to enter into contracts for the provision of telecommunications services and equipment for deaf, disabled, and hearing-impaired persons in a manner that protects and enhances the current statewide infrastructure and coordinated delivery of those services and equipment and includes a priority for maintaining long-term continuity of program administration and maximum involvement of the deaf and disabled community in program governance.

(C) Strengthen program priorities for expanded outreach through continuing consultation with, and participation by, the deaf, disabled, and hearing-impaired community in order to ensure the state's network of services reach hard-to-serve populations, including rural, innercity, and urban areas.

(D) Develop a mechanism to achieve cost-effective and timely deployment of new and emerging telecommunications technologies, to the extent fiscally and economically feasible.

(b) In order for the commission to ensure continued provision of telecommunications services and equipment for deaf, disabled, and hearing-impaired persons, the commission, subject to annual appropriation of funds by the Legislature and consistent with state contracting requirements, may contract with entities, including nonprofit entities, or persons that have the necessary expert knowledge, ability, and experience to provide, manage, or operate the programs described in Sections 2881, 2881.1, and 2881.2.

(c) The commission may enter into contracts pursuant to subdivision (b) of Section 19130 of the Government Code for the services and equipment contemplated by the programs described in Sections 2881, 2881.1, and 2881.2.



(d) The commission may include provisions that accomplish any of the following in contracts authorized by this section:

(1) Establish standards and procedures, including prior commission approval, for subcontracting.

(2) Establish standards and procedures regarding personnel and accounting practices.

(3) Require budget approval.

(4) Require periodic audits.

(5) Monitor performance and establish performance standards and the method of evaluating performance, including remedies for unsatisfactory performance.

(6) Establish standards and procedures to investigate and resolve complaints.

(7) Provide for any other terms or restrictions as the commission finds necessary to ensure that the public funds are used in accordance with the goals of the Legislature and the commission.

(e) Notwithstanding any other provision of law, any contract entered into pursuant to this section may provide for periodic advance payments for telecommunications services to be performed or telecommunications equipment to be provided. No advance payment made pursuant to this section may exceed 25 percent of the total annual contract amount.

(f) Any contractor the commission selects shall demonstrate knowledge of and the capacity to provide specialized telecommunications services and equipment to deaf, disabled, and hearing-impaired persons, and shall be required to consult with the Telecommunications Access for Deaf and Disabled Administrative Committee regarding the specialized needs of individuals utilizing program services and equipment, as specified in Sections 2881, 2881.1, and 2881.2.

(g) The commission shall, to the extent feasible and consistent with state civil service requirements, employ staff overseeing the programs described in Sections 2881, 2881.1, and 2881.2 who are members of the deaf, disabled, and hearing-impaired community.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the programs specified in Sections 2881, 2881.1, and 2881.2 of the Public Utilities Code remain in continuous operation, it is necessary for this act to take effect immediately.

